

(239-240)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X

GEORGE SASSOWER,

:

Plaintiff,

:

Index No. 5774-1983

-against-

:

AFFIDAVIT IN OPPOSITION

ERNEST L. SIGNORELLI, et al.,

:

Defendants.

:

-----X

STATE OF NEW YORK)

: SS.:

COUNTY OF NEW YORK)

ROBERT S. HAMMER, being duly sworn, deposes and says:

I am an Assistant Attorney General in the office of ROBERT ABRAMS, Attorney General of the State of New York, and I submit this affidavit in opposition to the plaintiffs motion to reargue the two motions decided June 27, 1983 by decisions and orders of Hon. Bruce McM. Wright.

It is respectfully submitted that plaintiff has utterly failed to demonstrate that the Court overlooked or misconstrued any controlling point of law. Plaintiff has failed to show "adequate special circumstances" [CPLR 3101(a)(4)] as would justify ordering discovery from the judicial officers in question. See affidavit of Jeffrey I. Slonim, sworn to May 17, 1983. As Justice Wright's decision recognizes, pp 4-5, decision on motion #9, 5-24-83, Special

Term Part IA, plaintiff has simply failed to sustain his burden in this regard.

This latest attempt by plaintiff to "go fishing", see also: Sassower v. Finnerty, AD2d Dept, NYLJ 7-8-83 p 13, col. 3, should be denied out of hand.

ROBERT S. HAMMER

ROBERT S. HAMMER

Sworn to before me this
8th day of July, 1983

Daniel D. Kaplan

Assistant Attorney General
of the State of New York